

House Bill 297

By: Representative Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to general provisions of superior courts, so as to authorize the creation of a family  
3 court division of any superior court; to provide for judges and their appointment, designation,  
4 and terms; to provide for district attorneys, public defenders, a clerk, probation officers, and  
5 other employees; to authorize agreements with other courts and agencies for the assignment  
6 of personnel to such court; to authorize the Attorney General to appoint attorneys to represent  
7 the Department of Human Resources in such court; to authorize the chief judge of the  
8 superior court to require family court judges to complete a planned program of instruction;  
9 to provide for jurisdiction, authority, powers, and duties of the family court division; to  
10 provide for expenses; to provide for related matters; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
15 general provisions of superior courts, is amended by adding a new Code section, to the end  
16 of the article, to read as follows:

17 "15-6-37.

18 (a) Any superior court for a judicial circuit is hereby authorized to create a family court  
19 division of the superior court.

20 (b) The chief judge of a superior court for a judicial circuit that creates a family court  
21 division shall designate one or more judges of the superior court to sit as judges of the  
22 family court division for terms of up to three years and shall designate successors for terms  
23 of up to three years. In addition, the chief judge of the superior court may designate one or  
24 more judges of the superior court to sit as judges of the family court division on a standby  
25 basis for terms of up to three years.

1 (c) The chief judge of the superior court may require the family court division judges to  
2 complete a planned program of instruction in family law, psychology, family dynamics,  
3 child development, nonadversarial techniques, and working with diverse populations.

4 (d)(1) The district attorney of the superior court for a judicial circuit implementing a  
5 family court division is authorized to designate one or more assistant district attorneys  
6 to serve in the family court division.

7 (2) The public defender of the superior court for a judicial circuit implementing a family  
8 court division is authorized to designate one or more assistant public defenders to serve  
9 in the family court division.

10 (3) The clerk of the superior court for a judicial circuit implementing a family court  
11 division or such clerk's designee shall serve as the clerk of the family court division.

12 (4) The chief judge of the superior court for a judicial circuit implementing a family  
13 court division shall designate probation officers and other employees of the superior court  
14 to perform duties for the family court division. Such employees shall perform duties as  
15 directed by the judges of the family court division.

16 (5) The chief judge of the superior court for a judicial circuit implementing a family  
17 court division may enter into agreements with other courts and agencies for the  
18 assignment of personnel from other courts and agencies to the family court division.

19 (6) The Attorney General of Georgia may appoint attorneys to represent the Department  
20 of Human Resources in the family court division of the superior court.

21 (e) The family court division shall have the same jurisdiction of the superior court and as  
22 provided in this Code section.

23 (f) When a petition or case is filed in a superior court that has implemented a family court  
24 division, which case relates to divorce or where issues affecting children are involved,  
25 including, but not limited to, child support, child custody, visitation, child abuse, child  
26 molestation, domestic violence, legitimacy, paternity, adoption, abandonment, or contempt  
27 or modification relative to such cases, the chief judge of the superior court or an intake case  
28 manager designated by such chief judge may assign the case to the family court division.  
29 The superior court of the judicial circuit, or a state court, juvenile court, probate court, and  
30 magistrate court located in a judicial circuit with a family court division of superior court,  
31 is authorized to transfer ancillary cases related to the same family to the family court  
32 division. Such ancillary cases shall include but not be limited to any cases involving  
33 deprivation, delinquency involving behavioral issues, truancy, unruliness, abandonment,  
34 neglect, or termination of parental rights pending in the juvenile court located in a judicial  
35 circuit with a family court division of superior court; cases involving domestic violence,  
36 abandonment, or child support enforcement pending in the state court located in a judicial  
37 circuit with a family court division of superior court; adult or minor guardianship pending

1 in the probate court located in a judicial circuit with a family court division of superior  
2 court; or domestic violence cases pending in the magistrate court located in a judicial  
3 circuit with a family court division of superior court. In addition, any child support  
4 enforcement case from the jurisdiction of the State of Georgia shall be considered an  
5 ancillary case subject to transfer to the family court division. Whenever a dispute arises  
6 between the family court division and another court in the particular judicial circuit as to  
7 whether a case is an ancillary case which should be transferred to the family court division,  
8 such case may be transferred to the family court division pursuant to an order for transfer  
9 issued by the chief judge of the superior court for the judicial circuit.

10 (g) The judges of the family court division shall have the same authority, powers, and  
11 duties in the consideration and disposition of cases in the family court division as any judge  
12 of the superior court of the judicial circuit, or state court, juvenile court, probate court, and  
13 magistrate court located in a judicial circuit with a family court division of superior court.

14 (h) Expenses for salaries, equipment, and supplies incurred in implementing this Code  
15 section shall be paid from state funds appropriated for such purpose and from the funds of  
16 the county implementing the family court division."

## 17 SECTION 2.

18 All laws and parts of laws in conflict with this Act are repealed.